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NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS

EXECUTIVE DIRECTOR

In the Matter of the Suspension)  
or Revocation of the License of

Administrative Action

ALLAN L. SATZ, D.C.

FINAL DECISION

To Practice Chiropractic in  
the State of New Jersey

AND  
ORDER

This matter was opened to the New Jersey State Board of Chiropractic Examiners ("Board") upon the filing of an order to show cause and administrative complaint on or about May 14, 1992, by Robert J. Del Tufo, Attorney General of New Jersey, by Deputy Attorney General Joan C. Silverman, alleging in one count that respondent, Allan L. Satz, D.C., violated the terms of a Reinstatement Order entered by the Board on July 20, 1990, and that he engaged in professional misconduct and/or repeated acts of negligence in violation of N.J.S.A. 45:1-21, in that respondent failed to submit the name of his therapist to the Board, failed to cause the therapist to provide quarterly reports with respect to frequency of attendance and progress in therapy, failed to cause the monitor of his chiropractic practice to submit written reports to the Board, and failed to complete 100 hours of pre-approved continuing education courses.

On May 18, 1992, the respondent was personally served with the order to show cause and complaint in this matter returnable on May 22, 1992 before the Board. The respondent filed an

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC  
SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF CHIROPRACTIC  
EXAMINERS  
DOCKET NO.

affidavit with the Board on June 2, 1992, which resulted in an adjournment of the hearing by the Board until June 18, 1992, in consideration of the respondent's sworn assertion that he would not treat any patients from May 22, 1992, until June 18, 1992.

A hearing on this matter was held on June 18, 1992. Deputy Attorney General Joan C. Silverman appeared on behalf of the Attorney General. Steven I. Kern, Esq., appeared for the respondent. The following documents were admitted into evidence:

- S-1 Final Decision and Order filed with the State Board of Medical Examiners on October 28, 1986, captioned In the Matter of the Suspension or Revocation of the License of Allan L. Satz, D.C. to Practice Chiropractic in the State of New Jersey.
- S-2 Initial Decision dated August 15, 1986, by William B. Palleria, A.L.J.
- S-3 Reinstatement Order filed with the Board of Chiropractic Examiners on July 20, 1990, captioned In the Matter of the Suspension or Revocation of the License of Allan L. Satz, D.C. to Practice Chiropractic in the State of New Jersey.
- S-4 Certification of Jay J. Church, Executive Director of the Board, dated May 14, 1992, concerning the respondent's failure to comply with the conditions of the Reinstatement Order of July 20, 1990.
- R-1 Reports produced at the hearing from the the chiropractor who was engaged to be the monitor of respondent's practice.
- R-2 Report of Dr. DelVecchio concerning a recent psychological evaluation.

R-3 Letter report of Mr. Pollack, a friend of the respondent, concerning his responsibility to be present as a third person during treatment of chiropractic patients.

R-4 Report of Bruce Bictover, M.D., concerning the respondent's medical condition.

At the plenary hearing held on June 18, 1992, the respondent stipulated that he failed to submit the name of a therapist to the Board and cause such therapist to provide quarterly reports with respect to frequency of attendance and progress in therapy as required by paragraph 3 of the Reinstatement Order. Respondent further stipulated that he failed to provide reports from a monitor as required by paragraph 4 of the Reinstatement Order. Respondent further stipulated that he failed to complete any continuing education in chiropractic care as required by paragraph 5 of the Reinstatement Order.

The respondent testified on his own behalf for the purpose of explaining to the Board why he failed to fulfill the conditions of the July 20, 1990 Reinstatement Order. He advised the Board that he had an accident in his office shortly before the entry of the Reinstatement Order. Apparently, the respondent had some renovations done in the house which is both his home and chiropractic office. While he was in one of the rooms, a ceiling or part of a ceiling fell in on top of him. The injuries he incurred in this accident were compounded by his chronic diabetic condition. He developed sores on the bottom of his feet which have not healed over the last two years and continue to bleed to

this date. The respondent advised the Board that he can only be on his feet for approximately one half hour per day in total and, therefore, he can only treat approximately three or four patients each day at a maximum.

As a result of his inability to see more patients, the respondent stated that he had financial problems and could not afford compliance with the terms and conditions of the Reinstatement Order. He advised the Board that he terminated psychotherapy immediately in July of 1990 just after entry of the Reinstatement Order because he could not afford to pay the therapist. Similarly, Dr. Satz testified that he never took any continuing education courses because he could not afford the fees and, additionally, he could not travel because of his feet. The respondent stated that he did engage the services of a monitor, and he was under the impression that reports were being submitted to the Board. However, he did not contest the fact that such reports had never been received by the Board and proffered several reports with inaccurate dates to the Board at the hearing.

The respondent further acknowledged that he failed to renew his license to practice chiropractic which expired on August 31, 1991. He explained this lapse as some failure of communication with the Board office and mailings which were not received. However, respondent did finally pay the renewal fee, and his license was reinstated on April 30, 1992.

When asked by the Board whether he ever considered advising the Board during the course of the last two years that he was unable to comply with the terms and conditions of his reinstatement, respondent testified that he thought about doing so but procrastinated any communication with the Board because he kept thinking that he would get better. However, his current medical condition continues to preclude him from complying with the Order, and he continues to have financial problems. In regard to his capacity to practice chiropractic, Dr. Satz advised the Board that he is able on an extremely limited basis to treat patients.

After closing statements by counsel for the parties, the Board conducted its deliberations in executive session on June 18, 1992 and announced its decision in public session on that same date. Accordingly, in consideration of the record herein, the Board makes the following Findings of Fact and Conclusions of Law:

#### FINDINGS OF FACT

1. Allan L. Satz, D.C., is a licensed chiropractor in the State of New Jersey and has been a licensee during all times pertinent hereto.

2. On October 28, 1986, the State Board of Medical Examiners entered a Final Decision and Order in disposition of complaints filed against the respondent charging him with engaging in sexual misconduct with patients constituting gross

malpractice, professional misconduct and lack of good moral character; offering to perform a vaginal examination on a patient constituting an offer of treatment beyond the scope of chiropractic; failure to prepare and/or maintain adequate patient treatment records; the continued practice of chiropractic while his license was suspended following failure to file biennial registration; and failure to designate himself as a chiropractor when using the title Doctor or its abbreviation in the practice of chiropractic. The Board of Medical Examiners concluded in its Decision that the respondent's psychiatric condition constituted incapacity for psychiatric cause to discharge the functions of a chiropractor in a manner consistent with the public's welfare. The respondent's license to practice chiropractic was suspended for a period of five years. The Order permitted the respondent to apply for a reduction in the terms of active suspension upon application accompanied by psychological or psychiatric reports demonstrating that he was morally and psychologically fit to practice chiropractic without posing a threat of harm to patients or the public. In addition, the Order imposed a civil penalty in the amount of \$6,750.00 and costs in the amount of \$3,962.76.

3. On June 21, 1990, respondent personally appeared before the Board of Chiropractic Examiners with counsel to be heard on his Petition for Reinstatement of licensure. In addition, the Board had the opportunity to review numerous documents concerning Dr. Satz's rehabilitation since the suspension of his license on July 10, 1985, including letter reports from his treating

psychologist as well as the reports of two independent psychiatrists approved by the Board.

4. On July 20, 1990, a Reinstatement Order was entered by the Board providing for the reinstatement of respondent's license to practice chiropractic expressly contingent upon continuing compliance with all terms and conditions contained in the Reinstatement Order. In summary, those conditions were as follows:

a. For a period of six months a third person had to be present in the room when chiropractic care was rendered to a patient by the respondent.

b. The respondent was required to enter into psychotherapy for a period of two years commencing prior to his treatment of any patients, and the Order further required that the respondent submit the name of the therapist to the Board and cause the therapist to provide quarterly reports to the Board with respect to frequency of attendance and progress in therapy.

c. The respondent was required to engage a monitor to review his patient care for the first year of practice and cause the monitor to submit written reports to the Board.

d. The respondent was required to successfully complete 100 hours of pre-approved continuing education courses within two years and provide the Board with proof of successful completion of such courses.

5. The respondent terminated psychotherapy immediately after reinstatement of his license to practice chiropractic and did not consult with a therapist until he was served with the instant complaint.

6. The Board never received written reports from the monitor who was to have been engaged to review the respondent's records and patient care.

7. The respondent never completed any of the required continuing education courses.

8. Respondent's license to practice chiropractic expired on August 31, 1991. He did not renew his license until April 30, 1992.

9. The respondent is suffering from a chronic diabetic condition which, coupled with physical injuries received in a household accident, has resulted in sores on his feet which have not healed rendering him incapable of practicing chiropractic except on a very limited basis wherein he can only be on his feet for a total of one half hour per day treating at most three or four patients.

#### CONCLUSIONS OF LAW

1. Respondent's failure to renew his license to practice chiropractic which had expired on August 31, 1991, until April 30, 1992, resulted in the automatic suspension of his license for failure to timely renew said license pursuant to N.J.S.A. 45:9-41.11.

2. Respondent's failure to comply with the express terms and conditions of the July 20, 1990 Reinstatement Order by failure to engage in psychotherapy, failure to submit written monitor reports to the Board, and failure to complete required

continuing education courses constitutes professional misconduct in violation of N.J.S.A. 45:1-21(e) and repeated acts of negligence in violation of N.J.S.A. 45:1-21(d).

#### DISCUSSION

It is the opinion of the Board that it was incumbent upon respondent to advise the Board in writing immediately when either medical or financial conditions caused him to be unable to comply with the terms and conditions of the Reinstatement Order. Although the Board is sympathetic to respondent's chronic medical problems, the Board is not sympathetic to his response that he procrastinated because he kept thinking that he would get better. The Order of the Board of Medical Examiners filed on October 28, 1986, resulting in the suspension of the respondent's license to practice chiropractic for a period of five years was the result of findings in regard to serious allegations concerning sexual misconduct and gross malpractice. At that time, the Board of Medical Examiners specifically concluded that the respondent's psychiatric condition constituted an incapacity to discharge the functions of a licensee consistent with the public's welfare.

The Reinstatement Order entered on July 20, 1990 by this Board was grounded on the proposition that the respondent could engage in the practice of chiropractic if, and only if, he complied with stringent requirements which would assure the Board that other professionals were monitoring both his treatment of patients and his own psychiatric condition. Unfortunately, the

respondent never complied with any of the express terms and conditions of reinstatement and clearly violated most of the terms of the Order.

The Board is charged with the regulation of its licensees for the purpose of protecting the public health, safety and welfare. Not only do the respondent's actions completely obstruct and frustrate the Board's ability to carry out this statutory duty, but these actions evidence a continuing pattern of neglect and unprofessional conduct. The Board can neither countenance Dr. Satz's flouting of its regulatory authority nor ignore the harm or significant potential for harm to patients presented by the respondent's conduct. Consequently, and for the foregoing reasons,

IT IS ON THIS 26<sup>th</sup> DAY OF June, 1992,

HEREBY ORDERED THAT:

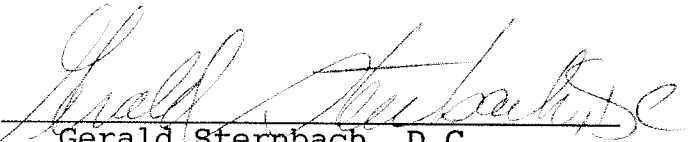
1. The license of Allan L. Satz, D.C., to practice chiropractic in the State of New Jersey is hereby suspended.

2. The Board will not entertain a petition for reinstatement of licensure unless and until the respondent has submitted to both a medical and psychological evaluation by consultants to be appointed by the Board. Such medical and psychological evaluations shall be conducted upon written referral by the Board for the purpose of determining whether the respondent has the medical and/or mental capacity to practice chiropractic consistent with the public's welfare. The costs

associated with the evaluations and written reports by the Board's consultants shall be borne by the respondent.

3. Upon receipt of written evaluations from the Board consultants indicating that the respondent has the capacity to practice chiropractic, he will be made to personally appear before the Board and demonstrate that he is prepared both physically and financially to comply with the terms and conditions imposed by the Reinstatement Order of July 20, 1990. The Board may, in its discretion, impose other conditions as it deems appropriate in order to protect the public's welfare depending on the record as it appears before the Board at the time of any petition for reinstatement.

4. During the period of time in which respondent's chiropractic license remains suspended, he shall not maintain a pecuniary or beneficial interest in a chiropractic practice or function as a manager, proprietor, operator or conductor of a place where chiropractic treatment is rendered or otherwise practice chiropractic within the meaning of N.J.S.A. 45:9-41.17 et seq. ("Chiropractic Board Act").

  
Gerald Sternbach, D.C.  
President  
State Board of Chiropractic  
Examiners